

IN THE SUPREME COURT OF THE STATE OF UTAH.

Provo Reservoir Company,
Plaintiff and Respondent,

v.

Provo City, et al.,
Defendants.

Esthma Tanner,
Defendant and Respondent,

and

The Upper East Union Irrigation
Company, et al.,
Defendants and Appellants.

STIPULATION.

It is hereby stipulated be and between the parties hereto, by their respective counsel whose names are subscribed to this stipulation, that the decree entered in the above entitled cause shall be modified by the entering of a supplemental decree, as hereinafter stated:

(1)

It is further ordered, adjudged and decreed, that whenever the quantity of Class "A" water, as hereinbefore awarded and decreed to the plaintiff and the several defendants is insufficient to supply the full quantity of said class, then, excepting the waters for domestic and municipal uses of Provo City as set out in subdivision (e) paragraph 4, and the waters of the Utah Power & Light Company as set out in paragraph 33 of the decree entered herein on the 2nd day of May, A. D. 1921, the plaintiff and the several defendants entitled thereto shall have the water distributed to them pro rata in proportion to the quantities severally awarded to them in said decree in said class, for each of the irrigation periods mentioned therein.

(II)

It is further ordered, adjudged and decreed that the defendant the East River Bottom Water Company is hereby awarded, in addition to that quantity of water awarded to said East River Bottom Water Company in paragraph 10 of said decree, the following:

- A. One-fourth second foot of the seepage and spring water accumulating and arising and collected by drainage system on the lands of Esthma Tanner, as defined in paragraph 31 of said decree, and subject to the conditions therein, said one-fourth (1/4) second foot of water having been decreed by Esthma Tanner to the East River Bottom Water

Company since the making of the original decree herein.

B-

Three-fourths second foot of the waters of Provo river, as a successor to the Blue Cliff Canal Company, as defined in paragraph 35 of said decree, and subject to the conditions therein, said three-fourths (3/4) second feet of water having been deeded by the Provo Reservoir Company, plaintiff herein, to the East River Bottom Water Company, since the entry of the original decree herein.

(III)

It is further stipulated that the Supreme Court of the State of Utah may remand this case to the trial court, with directions to amend the decree made and entered therein, to conform to this stipulation.

No costs shall be taxed against respondents in this appeal.

Dated June 7, 1922.

Ray & Rawlins,
Attorneys for Appellants.

A. C. Hatch,
Jacob Evans,
Attorneys for Respondent
Provo Reservoir Company.

Irvine & Thurman,
Attorneys for Respondent
Esthma Tanner.

United States of America



State of Utah } ss.
County of Salt Lake.

I, H. W. GRIFFITH, Clerk of the Supreme Court of the State of Utah, do hereby certify
that the foregoing is a full, true and correct copy of the ~~judgment and order~~ stipulation
entered into between counsel for the respective parties in
the foregoing entitled cause and the order of said court based
upon said stipulation
in the foregoing entitled action, now of record and on file in my office.



Testimony Whereof, I have hereunto set my hand and affixed the seal of

said Supreme Court, this the 13th

day of June, 1922.

H. W. Griffith

Clerk, Supreme Court

By

Deputy Clerk